

AO 94 (Rev. 06/09) Commitment to Another District

2021 Apr 16 PM 03:46
U.S. DISTRICT COURT
N.D. OF ALABAMA

APR 19 2021

UNITED STATES DISTRICT COURT

APR 19 2021

DEL RIO, TX

for the
Northern District of AlabamaCLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY ASA
DEPUTY CLERKUnited States of America
v.Case No. 2:21-mj-98-GMBJUAN LEONARDO JIMENEZ-HURTADO
DefendantCharging District's
Case No. 2:20-cr-32-AM

COMMITMENT TO ANOTHER DISTRICT

The defendant has been ordered to appear in the Western District of Texas,
(if applicable) _____ division. The defendant may need an interpreter for this language:
none

The defendant: ☐ will retain an attorney.
☒ is requesting court-appointed counsel.

The defendant remains in custody after the initial appearance.

IT IS ORDERED: The United States marshal must transport the defendant, together with a copy of this order, to the charging district and deliver the defendant to the United States marshal for that district, or to another officer authorized to receive the defendant. The marshal or officer in the charging district should immediately notify the United States attorney and the clerk of court for that district of the defendant's arrival so that further proceedings may be promptly scheduled. The clerk of this district must promptly transmit the papers and any bail to the charging district.

Date: April 16, 2021


Judge's signature

Gray M. Borden, U.S. Magistrate Judge

Printed name and title

AO 466 (Rev. 12/17) Waiver of Rule 32.1 Hearing (Violation of Probation or Supervised Release)

UNITED STATES DISTRICT COURT

for the

Northern District of Alabama

United States of America

v.

Juan Leonardo Jimenez-Hurtado
Defendant

Case No. 2:21-mj-98-GMB

Charging District's Case No. WDTX

2:20-cr-32-AM

WAIVER OF RULE 32.1 HEARING
(Violation of Probation or Supervised Release)

I understand that I have been charged with violating the conditions of probation or supervised release in a case pending in another district, the (name of other court) Western District of Texas.

I have been informed of the charges and of my rights to:

- (1) retain counsel or request the assignment of counsel if I am unable to retain counsel;
- (2) an identity hearing to determine whether I am the person named in the charges;
- (3) production of certified copies of the judgment, warrant, and warrant application, or reliable electronic copies of them if the violation is alleged to have occurred in another district;
- (4) a preliminary hearing to determine whether there is probable cause to believe a violation occurred if I will be held in custody, and my right to have this hearing in this district if the violation is alleged to have occurred in this district; and
- (5) a hearing on the government's motion for my detention in which I have the burden to establish my eligibility for release from custody.

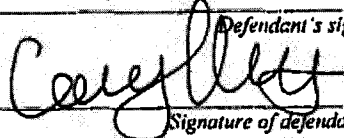
I agree to waive my right(s) to:

- ☐ an identity hearing and production of the judgment, warrant, and warrant application.
- ☐ a preliminary hearing.
- ☐ a detention hearing.
- ☒ an identity hearing, production of the judgment, warrant, and warrant application, and any preliminary or detention hearing to which I may be entitled in this district. I request that my ☒ preliminary hearing and/or ☒ detention hearing be held in the prosecuting district, at a time set by that court.

I consent to the issuance of an order requiring my appearance in the prosecuting district where the charges are pending against me.

Date: 04/16/2021

Defendant's signature



Signature of defendant's attorney

Courtney Morfha

Printed name of defendant's attorney

PROB 12C
(7/93)

UNITED STATES DISTRICT COURT

for

WESTERN DISTRICT OF TEXAS

FILED

MAR 16 2021

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY da
DEPUTY CLERK

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Juan Leonardo Jimenez-Hurtado Case Number: DR-20-CR-00032(01)Name of Sentencing Judicial Officer: Honorable United States District Judge Alia MosesDate of Original Sentence: April 29, 2020Original Offense: Illegal Re-Entry into the United States, 8 U.S.C. § 1326Original Sentence: 5 months imprisonment, followed by 1 year of Supervised ReleaseType of Supervision: Supervised Release Date Supervision Commenced: May 11, 2020Assistant U.S. Attorney: Michael Gene Schneider Defense Attorney: Case J. Darwin (Appointed)

PREVIOUS COURT ACTION

None.

PETITIONING THE COURT

- ☒ The issuance of a warrant
☐ The issuance of a summons

The probation officer believes that the offender has violated the following condition(s) of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
1.	Mandatory Condition No. 1: The defendant shall not commit another federal, state, or local crime during the term of supervision.
2.	Standard Condition No. 9: If the defendant is arrested or questioned by a law enforcement officer, the defendant shall notify the probation officer within 72 hours.
3.	Standard Condition No. 17: If the defendant is excluded, deported, or removed upon release on probation or supervised release, the term of supervision shall be a non-reporting term of probation or supervised release. The defendant shall not illegally reenter the United States. If the defendant is released from confinement or not deported, or lawfully re-enters the United States during the term of probation or supervised release, the defendant shall immediately report in person to the nearest U.S. Probation Office, or as ordered by the Court.

On or about January 24, 2021, Juan Leonardo Jimenez-Hurtado, an alien and citizen of Mexico, was found in the United States having been previously denied admission, exclusion, deported, or removed from the United States on or about May 11, 2020. The offender had not received the consent of the Attorney General of the United States or the Secretary of the Department of Homeland Security, the successor for this function pursuant to 6 U.S.C. § 202(3), 202(4), & 557, to reapply for admission being voluntarily in the United States in violation of 8 U.S.C. § 1326(a) & (b)(2).

On January 24, 2021, the offender was encountered by an Alabaster Police Department officer parked in the middle of the road, near Alabaster, Alabama. Upon further investigation, the police officer discovered that the offender was providing fictitious information by providing a false name of Juan Vargas, with a date of birth of September 30, 1998. A subsequent investigation revealed the defendant provided a false name and, he had several warrants pending. He physically attempted to resist apprehension. The offender was subsequently arrested for Using False Identity to Obstruct Justice (felony). On February 10, 2021, the defendant was also served with five outstanding warrants with the city of Alabaster, Alabama. The defendant is currently out on bond within Shelby County, Alabama. The case and subsequent warrants remain pending.

U.S. Probation Officer Recommendation:

The term of supervision should be:

- ☒ revoked. (Maximum penalty: 1 year imprisonment; 1 year supervised release; and payment of any unsatisfied monetary sanction previously imposed)
- ☐ extended for _____ years for a total term of _____ years
- ☐ The conditions of supervision should be modified as follows:

Approved:

Alexandra Valdez

Alexandra Valdez
Supervising U.S. Probation Officer

Respectfully Submitted,

Javier Vela Jr.

Javier Vela Jr.
U.S. Probation Officer
Date: March 15, 2021
Telephone #: (830) 308-6923

Approved:

James Ward For

James Ward
Supervisory Assistant U.S. Attorney

cc: Javier Cenicerros
Assistant Deputy Chief U.S. Probation Officer

THE COURT ORDERS:

- ☐ No action.
 - ☒ The issuance of a WARRANT. Bond is set in the amount of \$ Retain cash/surety with supervision by the United States Probation Office to continue as a condition of release.
 - ☐ The issuance of a SUMMONS.
 - ☐ Other _____
-



Honorable Alia Moses
United States District Judge

3-16-21

Date

**U.S. District Court
Northern District of Alabama (Southern)
CRIMINAL DOCKET FOR CASE #: 2:21-mj-00098-GMB-1
Internal Use Only**

Case title: USA v. Jimenez-Hurtado

Date Filed: 04/16/2021

Other court case number: 2:20-cr-32-AM Western District of
Texas

Assigned to: Magistrate Judge
Gray M Borden

Defendant (1)

**Juan Leonardo
Jimenez-Hurtado**

represented by **Kevin L Butler**
FEDERAL PUBLIC DEFENDER
Northern District of Alabama
505 20th Street North, Suite 1425
Birmingham, AL 35203
205-208-7170
Email: ALNFD_Notice@fd.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
*Designation: Public Defender or Community
Defender Appointment*

Pending Counts

None

Disposition

Highest Offense Level (Opening)

None

Terminated Counts

None

Disposition

**Highest Offense Level
(Terminated)**

None

Complaints

18:3583.F

Disposition

Plaintiff

USA

represented by **Prim F. Escalona, US Attorney**
US ATTORNEY'S OFFICE
1801 4th Avenue North
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244-2001
Email: Caseview.ecf@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained

US Probation
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Designation: Retained

Date Filed	#	Docket Text
04/16/2021		Arrest (Rule 5 – Supervised Release) of Juan Leonardo Jimenez–Hurtado (ASL) (Entered: 04/16/2021)
04/16/2021	<u>1</u>	RULE 5 – SUPERVISED RELEASE OUT OF THE WESTERN DISTRICT OF TEXAS as to Juan Leonardo Jimenez–Hurtado (ASL) (Entered: 04/16/2021)
04/16/2021		Minute Entry for proceedings held before Magistrate Judge Gray M Borden: (ZOOM)Initial Appearance in Rule 5(c)(3) Proceedings & Attorney Appointment as to Juan Leonardo Jimenez–Hurtado held on 4/16/2021; deft present & consented to proceed by video; deft deemed eligible for court appointed counsel, FPD (Murtha) present & appointed; rights & charges explained; deft advised of rights under Rule 32.1; deft waives and reserves right to have preliminary & bond hearing in WDTX; deft remanded to custody of USM (Court Reporter Risa Entrekin) (ASL) (Entered: 04/16/2021)
04/16/2021	<u>2</u>	(Court only) CJA 23 Financial Affidavit by Juan Leonardo Jimenez–Hurtado (ASL) (Entered: 04/16/2021)
04/16/2021	<u>3</u>	WAIVER of Provisions regarding Rule 32.1 by Juan Leonardo Jimenez–Hurtado (ASL) (Entered: 04/16/2021)
04/16/2021	<u>4</u>	ORDER as to Juan Leonardo Jimenez–Hurtado; COMMITMENT TO ANOTHER DISTRICT defendant is ordered to appear in the Western District of Texas. Signed by Magistrate Judge Gray M Borden on April 16, 2021. (ASL) (Entered: 04/16/2021)